

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHN RASH

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-CV-224-NBB-RP

LAFAYETTE COUNTY, MISSISSIPPI

DEFENDANT

**DEFENDANT’S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE
RESPONSE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT IN EXCESS
OF PAGE LIMITATION**

COMES NOW, Lafayette County, Mississippi, the Defendant in the above-styled and numbered cause, by and through its counsel, and files its Reply in Support of its Motion for Leave to file the Defendant’s Response in Support of its Motion for Summary Judgment in excess of the Local Rule’s Page Limitation, and would state as follows:

1.

In Reply to the Plaintiff’s Response in opposition to the present motion for leave, the Defendant would point out that the Plaintiff’s Memorandum in Response to the Motion for Summary Judgment is 35 pages in length, and makes very liberal use of 35 footnotes (many inappropriately contain argument and extended descriptions of testimony and documentary evidence) which, apparently, was done to comply with the letter, but not the spirit, of Local Rule 7. The additional 13 pages sought by the present motion are fully justified in view of the number and complexity of the issues addressed by the motion and the Plaintiff’s Response.

2.

The Plaintiff is not “prejudiced” by virtue of the additional 13 pages. As the record reflects, the substantive issues identified in the pending cross-motions for summary judgment have been addressed in six memorandums of law and the Defendant’s Rebuttal does not raise any new issues or arguments.

3.

The Plaintiff’s request to file a supplemental Response should be denied as not consistent with the Uniform Local Rules and being otherwise unsupported by the conclusory style allegation of “prejudice” in its opposition to the present motion for leave.

4.

Accordingly, the Defendant respectfully requests leave to exceed the 35 page limitation in the form of the Defendant’s Rebuttal in Support of its Motion for Summary Judgment.

THIS, the 10th day of March, 2021.

Respectfully submitted,

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/s/ David D. O'Donnell
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CERTIFICATE OF SERVICE

I, David D. O'Donnell, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 10th day of March, 2021.

/s/ David D. O'Donnell

DAVID D. O'DONNELL, MSB# 3912

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